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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,745	04/18/2000	Daniel Manuel Dias	AM9-98-080C	2613

7590

06/18/2003

John L Rogitz  
Rogitz & Associates  
750 B Street Suite 3120  
San Diego, CA 92101

EXAMINER

NAMAZI, MEHDI

ART UNIT

PAPER NUMBER

2188

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,745

Applicant(s)

DIAS ET AL.

Examiner

Mehdi Namazi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11,13,14,16-18, and 20-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This office action is in response to request for reconsideration filed May 22, 2002.
2. Claims 1-3, 5-13 are presented for further examination in view of the remarks.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3, and 5-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 6-11, 13-14, 16-18, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Haney(U.S.Patent No. 5,522,080).

As per claims 1,8-9,11,17 and 22, Haney teaches a computer system with plurality of workstations with plurality of access

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requests from data storage("a computer system including plural client nodes communicating data access requests to one or more storage nodes"; fig. 1, and col. 4, lines 6-14), comprising:

a three level prioritization scheme is used to handle the input/output data stream to improve the through-put of the processor; including provisions for distinguishing between same - priority events occurring at different times("logic means for associating one or more of the data access requests with respective priorities"; abstract);

the transfers within Groups I, II, III may be assigned relative local priorities. For example, video random access memory transfers within Group I may have a higher local priority than audio transfers("logic means for sending the data access requests and priorities to the storage nodes"; col. 19, lines 43-46); and

Local arbitration of these relative local priorities within Group I permits relatively high priority low bandwidth transfers by block transfer controller 368 to take precedence over relatively low bandwidth transfers("logic means for ordering the data access requests at the storage nodes based on the respective priorities, such that the data access requests are satisfied in

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consideration of their respective priorities"; col. 19, lines 48-51).

As per claims 3, 13 and 20, Haney teaches block transfer controller 368 therefore suspends a low priority block transfer operation requested by an execution unit 360a-n.....("logic means for terminating at least one data access request"; cols. 28-29, lines 67-3).

As per claims 4, 14, and 21 Haney teaches in a typical disk input/output operation an application may require a transfer from disk while continuing to process. When the data from disk are actually needed, the application may synchronize on the completion of the transfer("means for loosely synchronizing the computing and storage nodes with each other"; col. 3, lines 57-61).

As per claims 6 and 16, Haney teaches a virtual random access memory ("wherein the system is a virtual shared disk system"; figs 1).

As per claims 7, 10 and 18, Haney teaches (time related priority access("wherein the priorities include time-based deadlines"; fig. 2).

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***Allowable Subject Matter***

6. Claims 5, and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and double patenting rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is (703) 306-2758. The examiner can normally be reached on Monday-Thursday from 7:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (703) 308-1756. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

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**or faxed to:**

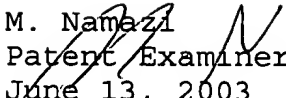
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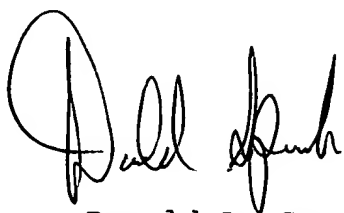
(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 305-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 2,  
2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

  
M. Namazi  
Patent Examiner  
June 13, 2003

  
Donald A. Sparks  
Supervisory Patent Examiner  
TC 2100